

*ORIGINAL*IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

FILED

MAR - 1 2006

CLERK, U.S. DISTRICT COURT
By _____
Deputy

TIMOTHY R. COLLINSWORTH, §
§
Plaintiff, §
§
v. §
§
AIG LIFE INSURANCE COMPANY, §
§
Defendant. §

CIVIL ACTION NO. 3:04-CV-1397-M

**DEFENDANT AIG LIFE INSURANCE COMPANY'S NOTIFICATION OF THE
DETERMINATION ON PLAINTIFF'S CLAIM AT THE FIRST LEVEL**

Pursuant to the Court's Memorandum Opinion and Order, dated November 1, 2005 (Doc. No. 52), Defendant AIG Life Insurance Company ("AIG Life"), files this Notification of the Determination on Plaintiff's Claim at the First Level, and respectfully shows the Court the following:

1. On November 1, 2005, the Court issued a Memorandum Opinion and Order (Doc. No. 52).
2. In the Memorandum Opinion and Order, the Court denied AIG Life's Motion For Summary Judgment and granted, in part, and denied, in part, Plaintiff's Cross Motion for Summary Judgment. As such, the Court remanded Plaintiff's claims to AIG Life for "further adjudication consistent with" the Memorandum Opinion and Order.
3. The Court instructed AIG Life to "determine Plaintiff's claim at the first level within 120 days of this opinion and to notify the Court of the results."
4. On February 25, 2006, AIG Life forwarded a letter to Plaintiff's attorney outlining the results of its review of Plaintiff's claim for Permanent Total Disability benefits.

Defendant AIG Life Insurance Company's Notification of the Determination on Plaintiff's Claim at the First Level—Page 1

After a careful review of the information contained in the administrative record and the information received following the Court's Memorandum Opinion and Order, AIG Life has made the determination that Plaintiff is not permanently and totally disabled as a result of his July 1, 2001 accident.

5. In accordance with the terms and conditions of the Employee Retirement Income Security Act, AIG Life informed Plaintiff that he has a right to appeal this determination within 180 days after his receipt of the February 25, 2006 letter. At this time, AIG Life is waiting to see if Plaintiff will appeal this "first level" determination.

Respectfully submitted,

By:


Harrison H. Yoss
R. Tate Gorman

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ATTORNEYS FOR DEFENDANT
AIG LIFE INSURANCE COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2006, a true and correct copy of the foregoing document was served via certified mail, return-receipt requested, to Plaintiff's counsel, Gabriel H. Robles, Robles Law Firm, 8828 N. Stemmons Freeway, Suite 143, Dallas, Texas 75247.


R. Tate Gorman